## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA AIKEN DIVISION

Ronnie Williams, P.O. Box 1038, Aiken, SC 29802,	) Civil Action No.: 1:17-cv-00734-JMC
Plaintiff,	)
v.	ORDER
Wal Mart Stores, c/o Mendelson, GSO 2301	)
McGee St., 8th Floor, Kansas City, MO 64108;	)
David Zilenski, Store Manager; William Joey,	)
Shift Lead Manager; Delinda Butler, Shift	)
Lead Manager; Michael Adams, Asst.	)
Manager No. 4487,	)
	)
Respondents.	)
	)

Plaintiff Ronnie Williams, proceeding *pro se*, filed an employment discrimination claim pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e, *et seq.*, and the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. §§ 621, *et seq.* (ECF No. 1.) On April 19, 2017, Plaintiff filed an Amended Complaint in which he was more detailed in the description of the nature of his employment discrimination and retaliation claims pursuant to Title VII and ADEA. (ECF No. 9 at 5.) On July 3, 2017, Defendants filed a Motion for Partial Dismissal of Plaintiff's Complaint. (ECF No. 27.)

The Magistrate Judge's Report and Recommendation, filed on August 4, 2017, recommended that Plaintiff's Complaint be partially dismissed for failure to administratively exhaust his ADEA claims. (ECF No. 42.) The Magistrate Judge determined that Plaintiff failed to "check the box for age, and did not include any allegations with regard to age in the narrative section of his EEOC charge of discrimination form." (*Id.* at 7.) The Report and

Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's recommendation herein without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report and Recommendation (ECF No. 42 at 9.) However, Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F. 2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein. (ECF No. 42.) It is therefore **ORDERED** that Plaintiff's ADEA Complaint is dismissed and Defendants' Motion for Partial Dismissal (ECF No. 27) is **GRANTED**.

IT IS SO ORDERED.

J. Michelle Chiels

United States District Judge

December 21, 2017 Columbia, South Carolina